



5-8-16

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

(See 1-553)

GERALD C. MANN
ATTORNEY GENERAL

March 13, 1939

Honorable J. M. Rieger
County Attorney
Stephens County
Breckenridge, Texas

*see chap 501 act 59th
Aug 1965 RS (act 27th A.V.C.S)*

Dear Sir:

Opinion No. 0-425

Re: Person cannot qualify as school trustee unless he is a property taxpayer in the district to which he is elected, and otherwise a qualified voter in said district.

This will acknowledge receipt of your communication of February 24, 1939, wherein you requested the following: Can a man who is qualified in every respect, except that he does not hold a poll tax receipt, be appointed or elected trustee of a common school district?

In reply thereto this is to advise that Article 2745 of the Revised Statutes of Texas provides, among other things, "providing no person shall be qualified as trustee unless he is a property taxpayer in the district to which he is elected, and otherwise a qualified voter in said district. ***"

This department has heretofore held, on the 8th day of April, 1936, in an opinion by Honorable Joe J. Alsop, Assistant Attorney General, that it is essential for a trustee of a common school district to have a poll tax in order to be eligible to the office of common school district trustee, and in conformity with your request we have studied the statute mentioned, and we are of the same opinion as that heretofore expressed by Mr. Alsop, therefore we now hold that it is necessary for a person to hold a poll tax receipt in order to qualify as a school trustee of a common school district.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Geo. S. Berry
Assistant

GSB:FG

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APPROVED:

(signed) Gerald C. Mann

ATTORNEY GENERAL OF TEXAS